



10-20-05

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|----------------------|--------------------|
| Application Number | 10/655,543 |
| Filing Date | September 3, 2003 |
| First Named Inventor | Donna Shattuck |
| Group Art Unit | 1634 |
| Examiner Name | Sitton, Jehanne S. |

Total Number of Pages in This Submission

5

Attorney Docket Number

1312.03

ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual Name

HERBERT L. LEY, PH.D., REG. NO. 53,215

Signature

Date

OCTOBER 19, 2005

CERTIFICATE OF EXPRESS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Express Mail Label No. EV 600556948 US

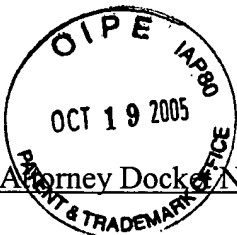
Typed or printed name

Stacey L. Stamper

Signature

Date

October 19, 2005



Attorney Docket No. 1312.03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------------|---|------------------------------|
| Inventors: SHATTUCK, <i>et al.</i> |) | |
| Serial No.: US 10/655,543 |) | Group Art Unit: 1634 |
| Filed: September 3, 2003 |) | |
| Title: OBESITY GENE AND |) | Examiner: Sitton, Jehanne S. |
| USE THEREOF |) | |

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Date of Deposit: October 19, 2005

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Stacey L. Stampler
Stacey L. Stampler

10/19/05
Date

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed September 26, 2005, Applicants provisionally elect claim group I (Claims 1-6, 10-11 and 13-14), for examination on merits, with traverse. Further, as required in Section 3 of the Restriction Requirement, Applicants provisionally elect, with traverse, the C373T nucleotide variant for examination on merits. Applicants note that, as indicated in the Restriction Requirement, elected claims 1, 2, 6 and 11 will not be limited to the elected variant since these claims are considered to link the inventions directed to different nucleotide variants. Thus, should claims 1, 2, 6 and 11 be found allowable, the secondary restriction requirement between different variants will be withdrawn and all variants disclosed would be examined on the merits.